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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,253	09/12/2003	Matthew R. Sidlinger	P06384US00 8967	
22885	7590 04/03/2006	•	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE			HONG, JOHN C	
SUITE 3200	AVENUE	ART UNIT	PAPER NUMBER	
DES MOINES, IA 50309-2721			3726	
			DATE MAILED: 04/03/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)					
	10/661,253	SIDLINGER ET AL.					
Office Action Summary	Examiner	Art Unit					
	John C. Hong	3726					
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet v	vith the correspondence a	ddress				
 A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b). 	DATE OF THIS COMMUN 1.136(a). In no event, however, may a od will apply and will expire SIX (6) MC ute, cause the application to become A	ICATION. The reply be timely filed ONTHS from the mailing date of this ABANDONED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on							
<u> </u>	is action is non-final.						
<u>, </u>		tters, prosecution as to th	e merits is				
·	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims		•					
4) Claim(s) 1-14 is/are pending in the application	on.						
,	4) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
6)☐ Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) 1-14 are subject to restriction and/o	r election requirement.						
Application Papers	•						
9) The specification is objected to by the Examination The drawing (a) filed an expected to by the Examination and the specification is objected to by the Examination (a) and the specification is objected to by the Examination (b) and the specification is objected to by the Examination (c) and the specification is objected to by the Examination (c) and the specification is objected to by the Examination (c) and the specification is objected to by the Examination (c) and the specification is objected to by the Examination (c) and the specification (c) and the		hutha Evansinan					
10) The drawing(s) filed on is/are: a) ac		_					
Applicant may not request that any objection to the		• •	YED 4 404/4\				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
	Examiner. Note the attache	ed Office Action of Tomin's	10-132.				
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of:	gn priority under 35 U.S.C.	§ 119(a)-(d) or (f).					
1. Certified copies of the priority docume	1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority docume	nts have been received in	Application No					
3. Copies of the certified copies of the pri	iority documents have bee	n received in this Nationa	l Stage				
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a lis	st of the certified copies no	t received.					
Attachment(s)							
Notice of References Cited (PTO-892)		Summary (PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0	_,	(s)/Mail Date Informal Patent Application (PT	O-152)				
Paper No(s)/Mail Date	6) Other:	, ,	-				

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to a safety barrier, classified in class 361, subclass 600.
 - II. Claim10-14, drawn to a method for using a flexible barrier, classified in class 29, subclass 559.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the process for using the product as claimed can be practiced with another materially different product such as the product does not have an elongated roller extending between the first and second frames and being mounted for rotation about a longitudinal roller axis located in spaced relation above the supporting surface.
- 3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John C. Hong Primary Examiner Art Unit 3726

jh March 29, 2006